

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                          |   |                      |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA | ) |                      |
|                          | ) |                      |
| v.                       | ) | Cr. No. 15-10300-DPW |
|                          | ) |                      |
| (1) JOHN FIDLER,         | ) |                      |
| (2) DANIEL REDMOND,      | ) |                      |
| (3) ROBERT CAFARELLI,    | ) |                      |
| (4) MICHAEL ROSS, and    | ) |                      |
| (5) MARK HARRINGTON      | ) |                      |
|                          | ) |                      |
| Defendants               | ) |                      |

**GOVERNMENT’S OPPOSITION TO  
DEFENDANT ROBERT CAFARELLI’S MOTION TO CONTINUE TRIAL**

The United States of America, by and through its attorneys, William D. Weinreb, Acting United States Attorney, and Assistant U.S. Attorneys Laura J. Kaplan and Kristina E. Barclay, submit this opposition to defendants’ Motion to Dismiss Indictment (Docket No. 208) (the “Motion”). While certainly sympathetic to the predicament Cafarelli’s counsel finds himself in with respect to his summer vacation, the government requests that the Court deny the Motion for the following reasons:

1. As far back as September 30, 2015, the government has predicted that its case in chief would last two weeks, and that it would call 20 to 25 witnesses. *See* Docket Nos. 14, 26, 40, 179 (¶ 4). To the best of the government’s memory, defendants have never indicated whether there will be a defense case, nor have they ever informed the government or the Court how long they anticipate the defense case will be. Accordingly, it would have been impossible for the government’s estimate of two weeks to include any defense case.

2. The July 31, 2017 trial date was agreed to by all four defense counsel and both prosecutors almost four months ago, on January 17, 2017, after multiple attempts to find a block of time during which the six trial attorneys and the Court were all available. Despite several attorneys raising vacation and other conflicts, Cafarelli's attorney never mentioned, at least in the government's presence, having a vacation scheduled for August 12, 2017. Given the government's two-week trial time estimate (and even if that estimate had included the defense case), Cafarelli's attorney should have informed the Court, the government and the other defense counsel on January 17, 2017 that he had a vacation scheduled to begin on August 12 – *less than two weeks from the July 31 start date for trial*. Instead, Cafarelli has waited until just 12 weeks before trial to raise the conflict.
3. Many of the government's witnesses live and work on the West Coast, and many are involved in the seasonal and time consuming production of a reality competition cooking show. Those witnesses have been informed of the July 31, 2017 trial date, and have been planning their work and vacation schedules accordingly for several months. Moving the trial at this late date would be incredibly burdensome for those witnesses.

**CONCLUSION**

For the foregoing reasons, the Motion to Continue should be denied.

Respectfully Submitted,

WILLIAM D. WEINREB  
Acting United States Attorney

By: /s/ Kristina E. Barclay  
Laura J. Kaplan  
Kristina E. Barclay  
Assistant U.S. Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kristina E. Barclay  
Kristina E. Barclay  
Assistant United States Attorney

Date: May 1, 2017